

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION
(AT CINCINNATI)**

JEFFERY A. NORRIS,)	Case No. C-1-01-374
)	
Plaintiff,)	Judge Beckwith
)	Magistrate Hogan
)	
-vs-)	
)	
FLOYD LOLLA, ET AL.)	
)	
Defendants.)	

**PLAINTIFF'S MOTION FOR LEAVE TO TAKE THE DEPOSITION OF
DEFENDANT FLOYD LOLLA BEYOND
THE CURRENT DEPOSITION DEADLINE**

NOW COMES Plaintiff Jeffery A. Norris ("Plaintiff"), by and through Counsel, and respectfully moves the Court for leave permitting him to take the deposition of Defendant Floyd Lolla beyond the current deadline of March 31, 2004. The grounds for this Motion are set forth in the attached Memorandum which is incorporated herein by reference.

Respectfully submitted,

PRATT & SINGER CO., L.P.A.
Attorneys for Plaintiff

/s/ James Papakirk
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MEMORANDUM

As the Court is aware, Plaintiff has previously attempted to take the deposition of Defendant Floyd Lolla in Indianapolis, Indiana; however, Mr. Lolla did not appear at the time and place noticed for his originally-scheduled deposition. Subsequently, Plaintiff filed three motions with the Court which, among other things, sought additional time to complete the deposition of Mr. Lolla (Docs. 43, 44, 45).

On March 25, 2004, Mr. Lolla agreed to submit to a deposition. However, he could not submit to it before March 31, 2004 because of Mr. Lolla's father's health. Apparently, his father is of advanced age and is in poor health.

Consequently, Mr. Lolla and Plaintiff's counsel, through his staff, scheduled the deposition of Mr. Lolla for April 2, 2004 at 4:00 p.m., the earliest available date for both parties. By telephone, Mr. Lolla indicated his agreement to the time and place of the deposition and arrangements have been made for a court reporter. A Notice to Take Deposition was filed on March 25, 2004. (Doc. 46).

In order to comply with the Court's previous order, Plaintiff respectfully requests leave to complete the deposition of Mr. Lolla at the above-referenced date and time, even though it will take place beyond March 31, 2004. Plaintiff submits that, in light of the health issues raised by Mr. Lolla with respect to his father, and the schedules of the parties, this is the earliest date in which the deposition of Mr. Lolla could be taken. Further, the grant of leave will not affect

any scheduled dates on the Court's calendar. The only pending date is the date for the telephone conference on April 15, 2004; given the date of the scheduled deposition, the scheduled telephone conference will remain unaffected.

Respectfully submitted,

PRATT & SINGER CO., L.P.A.
Attorneys for Plaintiff

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CERTIFICATE OF SERVICE

I certify that a copy of the foregoing Motion was served upon the following via ordinary mail, postage prepaid, this 30th day of March, 2004:

Floyd Lolla
1912 N. Gent Avenue
Indianapolis, Indiana 46202

/s/ James Papakirk
James Papakirk (0063862)
Attorney for Plaintiff